

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

WILLIAM STEPHEN LUSH II,

Plaintiff,

ORDER

v.

10-cv-064-slc¹

JUDGE BELINDA HILL,

Defendant.

On March 11, 2010, I denied plaintiff William Stephen Lush II leave to proceed in forma pauperis and dismissed his case because the allegations in his complaint did not state a legal claim. On July 1, 2010, I denied his motion for reconsideration.

Now plaintiff has filed a document titled “Rule 42(a) Motion for Dismissal,” in which he states that he seeks to dismiss the case “due to the recent belief that Texas alone is the proper jurisdiction to bring this cause.” This submission is somewhat confusing; it seems that plaintiff’s reference to “Rule 42(a)” refers to Rule 42(a) of the Federal Rules of Appellate Procedure. Under that rule, this court may dismiss an appeal before it has been docketed by the circuit clerk. To the extent that plaintiff seeks to dismiss his appeal, the court of appeals

¹ I am assuming jurisdiction over this case for the purpose of issuing this order.

has already granted his motion to voluntarily dismiss the appeal, so his current submission is unnecessary. To the extent plaintiff wishes to voluntarily dismiss the underlying case in this court, his motion must be denied because the court has already dismissed it for his failure to state a claim against defendant Judge Belinda Hill.

ORDER

IT IS ORDERED that plaintiff's "Rule 42(a) Motion for Dismissal," dkt. #12, is DENIED.

Entered this 12th day of August, 2010.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge